

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GUMERCINDO C. LOPEZ,

Defendant.

4:13CR3045

DETENTION ORDER

After conducting a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), the court concludes the defendant must be detained pending trial.

Based on the information of record, the court finds by clear and convincing evidence that defendant's release would pose a serious risk of defendant's nonappearance at court proceedings, and no condition or combination of conditions of release will sufficiently ameliorate that risk.

Specifically, the court finds the defendant is not a United States citizen, is subject to an ICE detainer, and faces deportation; his marriage to a Nebraska resident occurred less than two years ago; his wife, who is willing to be a third party custodian, was aware the defendant was in the country illegally and along with the defendant, consciously delayed filing any application for defendant's legal residency in this country; and the defendant has substantial family ties in Mexico. Based on the information currently before the court, ICE intends to deport the defendant.

Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

June 3, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge